

STATEMENT OF REP. JOHN CONYERS, JR.

Floor Debate

S. 877, the "CAN SPAM Act of 2003"

Monday, December 8, 2003

Mr. Speaker, I rise in support of this legislation. There is no denying the fact that the rise in unsolicited commercial e-mail, or spam, has become an intrusive aspect of the Internet, negatively impacting consumers and Internet Service Providers. Surveys have noted that the volume of spam rose from 8 percent of all e-mail in January 2001 to 45 percent of all e-mail in January 2003.

Increasingly, spam mail is designed to prey upon innocent consumers by enticing them with fraudulent or misleading offers. Even worse, many of these e-mails are created to trick Internet users of all ages into opening web pages that depict sexually-explicit materials. In fact, the Federal Trade Commission recently reported that, out of 1,000 pieces of spam it studied, 66 percent contained false or misleading information, and roughly 18 percent concerned adult offers.

At the same time, spam also is incredibly costly to our nation's economy. The huge amount of spam that is transferred over the Internet has drastically altered the speed at which it takes to process e-mails and the amount of memory needed to maintain an e-mail account. These costs are often transferred to businesses and customers who are forced to pay for time spent reading and deleting junk mail. Indeed, the Ferris Research Group estimates that spam will cost the United States over \$10 billion in 2003. It is clear that something must be done about this problem.

To this end, I am gratified that many of my colleagues are unified in their resolve to pass a law to prevent spam and have reached this compromise. In order to stop the harmful practices of spammers, we have before us Federal legislation that gives consumers the ability to opt-out of receiving any commercial e-mail they do not want to receive and makes it illegal to falsify the identity of the sender.

With respect to enforcement, we have before us legislation that would allow for effective prosecution of those who violate Federal spam legislation. On the Federal level, by giving the Department of Justice and the Federal Trade Commission the tools to fine and place in jail the most egregious spammers, we can begin to give consumers control over their in-boxes. It is important to note that these protections are not limited to commercial e-mails; consumers will have enhanced protections against pornographic e-mails as well.

Also, knowing that effective law enforcement requires multiple fronts, this legislation does not rely on Federal enforcers alone, though. It empowers state attorneys general to bring civil actions against spammers for injunctions and damages. Moreover, it gives Internet Service Providers, whose systems suffer from spam traffic every day, the ability to bring lawsuits against violators.

The bottom line is that Congress must pass tough laws in order to deal effectively with spammers who can now hide behind the anonymity of the Internet. Only through legislation such as this that establishes civil and criminal penalties for sending unsolicited and fraudulent e-mails can we protect our nation's consumers.

I urge my colleagues to support this legislation.